



Ideas and Insights for Full-Service Restaurants

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Slips Happen

What every restaurant should know about slip-and-fall incidents

High-quality service and desirable menu items are likely among any restaurant's primary objectives. Just as high on the priority list, however, should be the safety of guests while on the premises. A substance on the floor — anything from a spilled beverage to grease tracked out of the kitchen — presents a slip hazard. Ensuring that walkways are free of debris, liquid, or slick substances will help prevent against slip-and-fall incidents in a restaurant, and therefore any claims for injury.

While it is impossible to prevent all incidents, it is difficult to predict which ones may result in claims or lawsuits against the restaurant. As with any lawsuit, defending against a negligence claim can be costly and time-consuming. Knowing the steps to take to prevent slip-and-fall incidents, as well as understanding the factors that go into defending against claims, can provide restaurants with an advantage.

Reasonable safety practices begin with knowledge. Restaurants should have written policies and procedures in place to help maintain safe premises and protect against fall-down incidents. It is equally important that employees and management are properly and adequately

trained as to these procedures. Among those policies should be the frequent and routine inspection of the dining room and restroom floors to ensure they are clean and dry.

Unsurprisingly, a high number of slip-and-fall incidents occur in restaurants' restrooms. As a result, restroom floors especially should be inspected on a frequent basis to ensure no slip hazards exist.

In addition to implementing policies and procedures, it is also a good idea for managers to hold regular and routine safety meetings to emphasize safety measures and to remind employees of the policies in place. It is also crucial, of course, that restaurant management enforce the restaurant's policies. If a claim is filed, any evidence showing that a restaurant violated its own procedures is extremely detrimental to the defense of the claim.

Recently, while visiting one of my favorite local restaurants, I noticed a small puddle of water on the floor in the middle of a walkway, and flagged down an employee. After being told about the puddle, she simply walked away, and the puddle remained on the floor. I observed a number of customers and employees step over it.

It was easy to see that the puddle had accumulated from condensation dripping from the air conditioning duct above. While this is a common problem in more humid climates, restaurants in all regions should be aware of climate-specific issues, such as rain and snow, which can create wet or slippery conditions in and around entrances to the premises.

The fact that the puddle was still there by the end of my meal was troubling from a defense perspective. There were a number of opportunities for the hostess or servers to wipe it up and place a "wet floor" sign near the area where the drips were falling. It was even more troubling to hear another server mention that the dripping "always happens." While, fortunately, no one slipped that evening, the puddle was an example of either poor safety policies and procedures, or the restaurant's failure to enforce their procedures. Regardless, it opened the restaurant up to liability when the scenario could have been easily avoided.

Even in restaurants that do emphasize and enforce safety practices, there is no way to prevent every single fall-down incident. When and if a fall occurs, conducting a proper investigation and documenting the facts and circumstances surrounding the fall is imperative.

The first step for restaurant management is to complete an incident report form. Restaurants should have these on hand and the form should be filled out as quickly as possible, preferably by a management-level employee who has been trained on investigating customer-involved incidents. (If no official form is available, this information can be handwritten or informally

typed to document relevant details while fresh in the employees' minds.) Elements of the report should include:

- Date, time, and exact location of the incident
- Identification of witnesses, including contact information
- Details with regard to the post-incident inspection of the incident area, including who inspected the area, when the inspection took place, and what was seen at the time of inspection.

Furthermore, if a camera is available, documenting what the scene looked like can be helpful to show what was, or was not, on the floor. In addition to these details, it is a good idea, if possible, to obtain a detailed summary of the incident as described by the person who fell. This provides a record of the customer's account of the incident before he or she forgets details or speaks with an attorney.

Capturing and documenting as many details surrounding the incident as possible is important to defending a negligence claim. Depending on the jurisdiction, a person could potentially have up to four or five years to file a lawsuit.

Therefore, once a restaurant becomes aware of a possible claim, it is important that it maintain all records relevant to the incident. In addition to the incident report, the restaurant should gather a copy of current policies and a list of those employees on duty at the time of the accident. It is also important to note cell phone numbers for employees, as they may no longer be employed months or years later when a claim is made.

Accidents do not always equate to liability, and restaurants that are able to provide claims professionals and their defense attorneys with thorough documentation of an incident will not only support and strengthen the defense of the claim, but will also experience less disruption to

normal business operations if a claim is filed. This will allow restaurants to focus on what they do best — providing customers with delicious food in a safe and enjoyable environment!



Amanda J. Podlucky is an attorney in the Orlando office of Marshall Dennehey Warner Coleman & Goggin, a leading civil defense litigation law firm. A member of the Casualty Department, she represents hotels, restaurants, retailers, recreational facilities, and other hospitality industry clients in the defense of personal injury, negligent security, and related general liability claims. Ms. Podlucky may be reached at (407) 420-4396 or ajpodlucky@mdwgc.com.